

Notice of Allowability

Application No.

10/605,999

Examiner

Christopher R. Lamb

Applicant(s)

JUAN ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 11/13/2003
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone message left by Winston Hsu on August 30th, 2006.

The application has been amended as follows: in claim 15, line 6, the phrase -- a control circuit for determining a type of optical disc by calculating a result; -- has been inserted between "disc;" and "and."

In line 16, "a result" has been changed to -- the result --

2. The following is an examiner's statement of reasons for allowance:

Regarding claim 1:

The closest prior art of record, Kumagai (JP Publication Number 11-149640; see machine translation) discloses:

A method for distinguishing the type of optical disc in an optical disc apparatus, the optical disc apparatus comprising a laser, a focusing lens, and a sensor for generating a signal corresponding to laser emitted light reflected from the optical disc (drawing 1), the method comprising:

emitting light from the laser to the optical disc (paragraph 20);

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moving the focusing lens such that a focal point of the focused light emitted from the laser moves through the optical disc at substantially constant velocity (paragraph 23);

while the lens is moving, measuring a first duration (Drawing 7G: Tfs);

while the lens is moving, measuring a second duration (Drawing 7D: T_{hs}) between a first predetermined location in a generated signal (front edge of 107) and a second predetermined location in the generated signal when the generated signal exceeds a second predefined threshold (front edge of 108), the second predefined threshold indicating that the focal point of the focused emitted light is within a second layer of the optical disc (clear from Fig. 7A);

distinguishing the type of optical disc according to the first duration and the second duration (paragraph 44-45).

However, Kamagai does not disclose wherein the first duration is a first duration that the generated signal exceeds a first predefined threshold, the first predefined threshold indicating that the focal point of the focused emitted light is within a first layer of the optical disc; and wherein the second duration is between a first predetermined location in the generated signal during the first duration.

These elements in combination with the other elements of the claim render it allowable over the prior art of record.

Regarding claim 9:

It contains language similar to that of claim 1.

Regarding claim 15:

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It is an apparatus claim corresponding to the method claim of claim 1.

Regarding claims 2-8, 10-14, and 16-19:

They are dependent on claims 1, 9, and 15 respectively.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

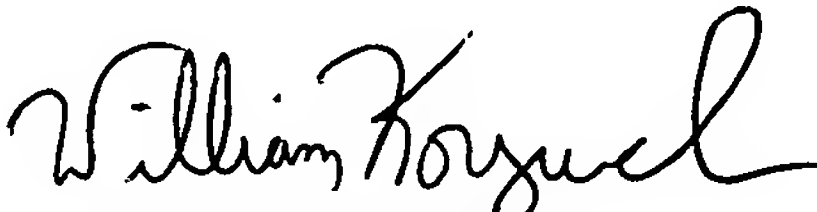
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Lamb whose telephone number is (572) 272-5264. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CRL 9/11/06


WILLIAM KORZUCH
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